Volume VI – E-Filing Reference Guide for I-129 Purpose

The purpose of Volume VI is to highlight key aspects of the I-129 E-Filing module for prospective employers wishing to e-file a Petition for a Nonimmigrant Worker (Form I-129). The following screenshots and discussion topics will provide you a preview of the I-129 E-Filing Form and can be used as a reference to prepare for E-Filing I-129 petitions.

In this section the following topics will be addressed:

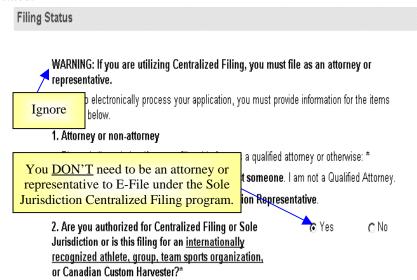
- E-Filing and Centralized Filing/Sole Jurisdiction
- E-Filing Petitions for Sports Organization/Athlete or Canadian Custom Harvestor
- Providing Work Addresses
- E-Filing Petitions That Have Multiple Named Beneficiaries Only
- E-Filing Petitions That Include Unnamed Workers
- Chile or Singapore Nonimmigrant E-Filing Eligibility
- E-Filing and H-1B Cap Restrictions
- Consulate Notifications
- <u>I-129 Supplements</u>
- <u>I-129W: H1B Data Collection and Filing Fee Exemption</u>
- Concurrently E-Filing Request for Premium Processing
- <u>I-129 Mailing Addresses for Supporting Documentation</u>

E-Filing and Centralized Filing/Sole Jurisdiction

Sole Jurisdiction and/or Centralized Filing is a privilege granted to a petitioner, or his/her attorney/ representative whose headquarters, human resources, or legal operations is located within a CIS Service

E-Filing under a Sole
Jurisdiction/Centralized Filing program
without prior authorization risks
significant processing delays as the
petition is manually transferred to the
correct location.

Center's jurisdiction. If a petitioner's request for Sole Jurisdiction/Centralized Filing is granted, the petitioner is placed on a CIS Service Center's Sole Jurisdiction/Centralized Filing list and may submit all petitions (I-140s and I-129s are petitions) to that CIS Service Center, regardless of where the beneficiary will work or where the petitioner is located.



When E-Filing a petition under a Sole Jurisdiction/Centralized Filing program please note:

- The warning message that states that you must file as an attorney or representative should be disregarded.
- You must select your Sole Jurisdiction/Centralized Filing Service Center when prompted or the petition may not be sent to the correct processing location (see dropdown just under the second Filing Status question).

E-Filing Petitions for Sports Organization/Athlete or Canadian Custom Harvestor

The processing Service Center must be provided if you are filing for certain H-2B, H-2A, and P-1 Nonimmigrant Classifications. If E-Filing for a

nonimmigrant under one of these specific classes/profession then you MUST:

• Answer "yes" to the Sole
Jurisdiction/Centralized
Filing question in the
second Filing Status question; and

H-2B and/or P-1: Hockey (major/minor),
Roller Hockey, Baseball (major/minor),
Eastern Indoor Soccer League, NHL,
Professional Soccer, NBA (men/women)
OR

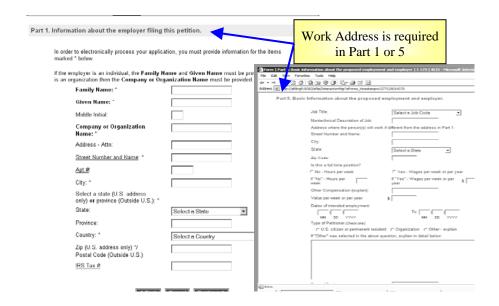
H-2A: Canadian Custom Harvestor

• Select the Nebraska Service Center from the associated dropdown just under the second Filing Status question.



Providing Work Addresses

Providing the nonimmigrant actual work location is critical to the electronic routing of E-Filing petitions.

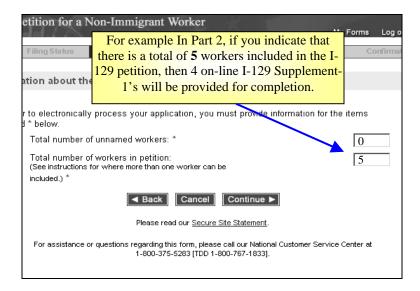


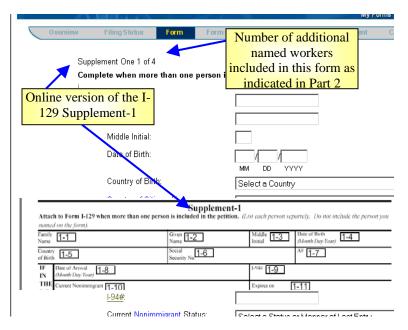
- In most cases routing of E-Filed petitions is based on work location.
- If you provide a foreign address in Part 1, you will be required to provide a US work address in Part 5.
- If you provide a US address and no work address in Part 5, the system will consider the address provided in Part 1 as the work location.
- If there is more than one work location then you should provide the primary or first plan work location and provide the remaining address on a separate piece of paper with the petition's supporting documentation.

E-Filing Petitions That Have Multiple Named Beneficiaries Only

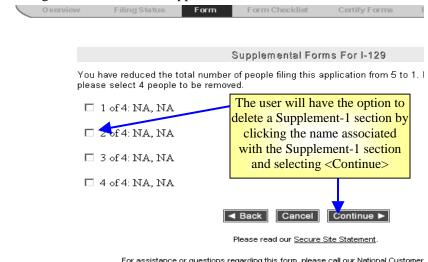
You can E-File an I-129 that contains multiple name beneficiaries if the requested nonimmigrant classification is: H-1C, H-2A, H-2B, H-3 (Trainee), H-3 (Sp. Ed), P-1, P-1S, P-2, P-2S, P-3, P-3S, Q-1 or TC.

For every additional beneficiary on the I-129, you will provide an on-line E-Filing I-129 Supplement-1 to complete.



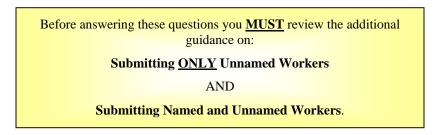


• If you want to drop any of your workers from the petition for whatever reason, simply use the <Back> or <Continue> buttons to reach the "Supplement Form for I-129" page and follow the instructions for deleting a named worker's Supplement-1 form.



E-Filing Petitions That Include Unnamed Workers

I-129 petitions involving H-2A and H-2B nonimmigrants can include unnamed workers:



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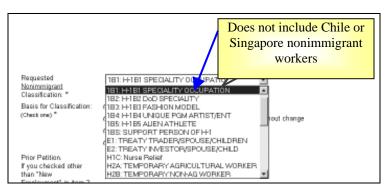
• When either H-2A or H-2B nonimmigrant classification items are selected, a web page asking for the <u>total number of unnamed workers</u> associated with your petition and the <u>total number of workers</u> (*named and unnamed*) associated with your petition will appear.



Chile or Singapore Nonimmigrant E-Filing Eligibility

E-Filing is not for everyone and there are a number of situations where you must continue to use the paper-based process in order to properly file your petition.

- These situations include when you are applying for a filing fee waiver or requesting that your case be expedited.
- In addition, the E-Filing system is not currently programmed to accept petitions for a national of either **Chile or Singapore** under the H-1B1 nonimmigrant classification.

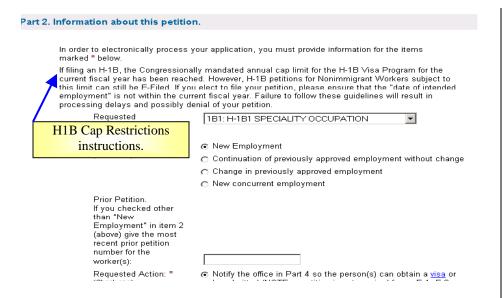


E-Filing and H-1B Cap Restrictions

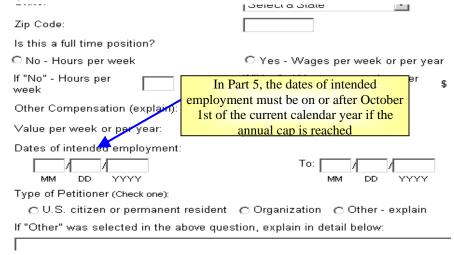
When the congressionally mandated annual cap of new workers is reached during the federal fiscal year, the E-Filing system will continue to accept H-1B petitions subject to the cap restrictions if:

- E-Filing occurs six months prior to the start of the next Federal fiscal year (i.e., October); and
- Prospective employment starts the next fiscal year.

If a petitioner who wishes to E-File a H-1B petition is subject to the congressionally mandated annual cap restrictions **after the cap has been reached**, the "*Date of intended employment*" must begin after October 1st of the current year.

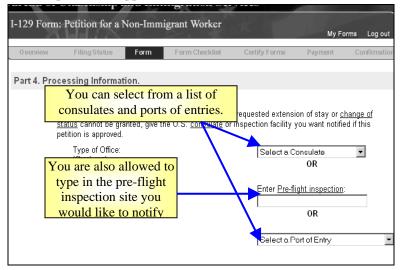


If the cap has been reached and you E-File a petition subject to the cap restrictions with an employment start date prior to October 1st of the current year, you may experience processing delays or be denied and you will not be eligible to receive a refund.



Consulate Notifications

The E-Filing system will allow you to only list one U.S. consulate or inspection facility (pre-flight inspection site or ports of entries) you want notified if the petition is approved.

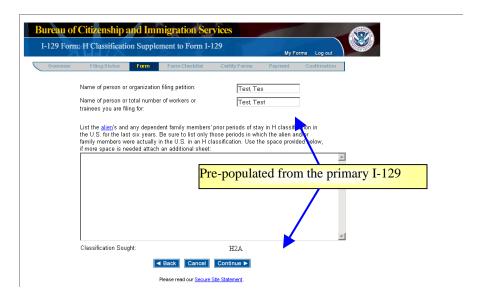


- If you wish to notify more than one U.S. consulate or inspection facility you will need to file an **I-824**, **Application for Action on a Approved Application or Petition** in paper.
 - O Do not include any other forms or fees, including I-824, with your I-129 supporting documentation.

I-129 Supplements

- As with the paper-based I-129 application, the E-Filing system will provide the follow I-129 Supplements for completion:
 - o E Classification Supplement;
 - o H Classification Supplement;
 - o L Classification Supplement;
 - o O and P Classification Supplement; and
 - o Q [O] & R Classification Supplement.

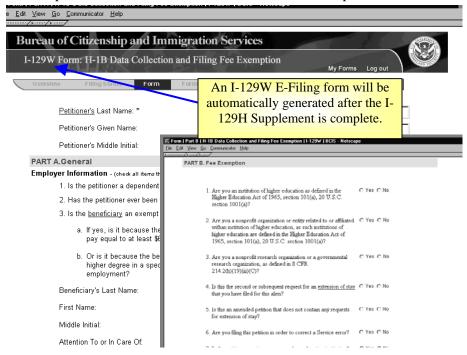
- Only one of these supplements will be provided based on the nonimmigrant classification requested in Part 2 of the E-Filing I-129 form (see the discussion on Chile or Singapore Nonimmigrant E-Filing Eligibility for an image of the nonimmigrant classification dropdown box provide in Part 2).
- When the supplement is generated, the name of the petitioner, the number or name of the worker(s) on the petition, and the requested nonimmigrant classification are pre-populated in the relevant fields.
- You will be able to make changes to pre-populated name and worker information on the supplement.
- If you want to change the requested nonimmigrant classification you will have to navigate back to Part 2 of the E-Filing I-129 form, using only the <Back> button provided at the bottom of each web page.



I-129W: H1B Data Collection and Filing Fee Exemption

The American Competitiveness and Workforce Improvement Act (ACWIA) Public Law 105-77 enacted by Congress levied a \$1,000 fee for all H-1B I-129 petitions that did not meet specific exemption criteria. The exemption was granted based on the information contained in the I-129W.

• While the legal requirement for the ACWIA fee sunsetted on September 30, 2003, and the fee is no longer required, USCIS still requires that a completed I-129W be submitted with all H-1B I-129 petitions.



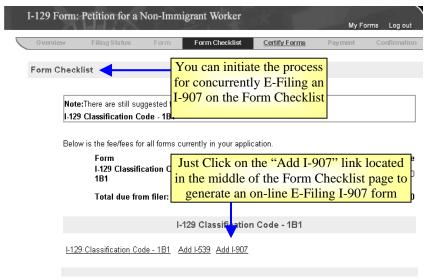
• The I-129 can be submitted without answering the I-129W questions but this would lead to unnecessary processing delays.

- If the beneficiary currently has a foreign address you will have to file in paper. The I-129W does not accept zip code formats that are different from US zip codes.
- You will need to indicate that to the best of your knowledge that all the I-129W information provided is correct before moving on to the on-line E-Filing form page.

Concurrently E-Filing Request for Premium Processing

Concurrent E-Filing simply refers to E-Filing multiple forms simultaneously. When submitting I-129 petitions through the mail there are a number of applications that can be submitted together and the E-Filing system, in specific circumstances, allows E-Filing users to do the same. Included in forms that can be currently E-Filed with an I-129 petition is the **I-907**, **Request for Premium Processing**.

While you are not required to, when E-Filing an I-129 that you intend to request premium processing service for, we <u>strongly urge</u> you to concurrently E-File the I-129 petition with the I-907. To do so, fill out the on-line E-Filing I-129 form, and associated G-28 if applicable, and add an I-907 when you come to the Form Checklist page (see below).



Please note that:

- There is no advantage to E-Filing the I-129 and I-907 separately since under no circumstance will the 15-day premium processing clock start prior to USCIS receiving the necessary supporting documentation in the mail.
- If the I-129 and I-907 are separately E-Filed, USCIS will immediately issue an official Request for Evidence for the necessary supporting documentation.

I-129 Mailing Addresses for Supporting Documentation

If you have E-Filed your petition but were unable to save and/or print the PDF version of the petition and confirmation

receipt notice, you should:

• Wait to receive the official receipt notice (Form I-797) in the mail;

Note the receipt number on the I-797;

DO NOT use the mailing address provided in this volume if your I-129 was concurrently E-Filed with an I-907

- Mail the supporting documentation to the addresses below, if the petition is a non-premium processing case; and
- Include a cover letter referencing your receipt number and clearly state that the supporting documentation for an E-Filed petition.

IF	THEN
Your petition receipt number begins with "WAC"	Send supporting documentation to:
	California Service Center
	Attn: E-Filed I-129
	P.O. Box 10129
	Laguna Niguel, CA 92607-0129
Your petition receipt number begins with "LIN"	Send supporting documentation to:
	Nebraska Service Center
	Attn: E-Filed I-129
	PO Box 87373
	Lincoln, NE 68501-7373
Your petition receipt number begins with "SRC"	Send supporting documentation to:
	Texas Service Center
	Attn: E-Filed I-129
	P.O. Box 851812
	Mesquite, TX 75185-1812
Your petition receipt number begins with "EAC"	Send supporting documentation to:
	Vermont Service Center
	Attn: E-Filed I-129
	Lower Welden Street
	St. Albans, VT 05479-0001

Note: If the petition was concurrently filed with an I-907 you will need to use a different set of addresses (see <u>Volume XIII - E-Filing Form I-907</u>). **DO NOT use the mailing address provided above.**